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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5499 of 1998

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JIGNABEN @ NEHA RASHMIKANT SHAH

Versus

CHANDRAKANT JETHALAL TRIVEDI

Appearance:

MR TUSHAR MEHTA for Appellant

MR MANISH R RAVAL for Respondent No. 1

MS AVANI S MEHTA for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 23/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Heard the learned counsel for the respective parties. Appeal admitted. Mr. Manish R. Raval and Ms Avani S. Mehta appear for respondent nos.1 and 2 respectively and both the learned counsel waive service of notice in the appeal for the respective parties.

2. On a joint request of learned counsel for the respective parties the appeal is taken up for hearing today.

3. This is an appeal under section 173 of the Motor Vehicles Act, 1988, at the instance of the original claimant-injured party, for the purpose of enhancement of the compensation awarded under the judgement and award of the Motor Accident Claims Tribunal (Auxi.2) at Nadiad in Motor Accident Claim Petition No.1208/1992.

4. Under the impugned award, the Tribunal, after having taken into consideration the facts of the case and the evidence on record, and taking into consideration the disability caused to the claimant as a result of the accident, awarded an aggregate sum of Rs.23,600/together with interest at the rate of 8% per annum from the date of the claim petition upto 2nd June 1998 and at the rate of 12% thereafter till realisation. It is this award which is the subject matter of appeal before us today for the purpose of enhancement of the amount of compensation.

5. As a result of the hearing and discussion, learned counsel for the respective parties have agreed that the Court may determine the appropriate amount of compensation due and payable to the claimant on the facts and on evidence on record, without the necessity of recording reasons.

6. Accordingly we have heard the learned counsel for the respective parties on the merits of their respective cases, and have also applied our mind to the impugned judgement and also to such evidentiary material on record to which our attention has been drawn.

7. As a result of this exercise, we are of the opinion that the claimant would be entitled to a compensation in the aggregate sum of Rs.25000/- (Rupees twenty-five thousand only), at the same rate of interest and for the same period as determined by the Tribunal. The impugned award is, therefore, modified only to the aforesaid extent. There shall be no order as to costs in

the present appeal. Decree accordingly.

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